

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 261, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 20-8.1-6.1-5, AS AMENDED BY P.L.215-2001,
- 3 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2004]: Sec. 5. (a) A student who is placed in a state licensed
- 5 private or public health care facility, child care facility, or foster family
- 6 home:
- 7 (1) by or with the consent of the division of family and children;
- 8 (2) by a court order; or
- 9 (3) by a child-placing agency licensed by the division of family
- 10 and children;
- 11 may attend school in the school corporation in which the home or
- 12 facility is located. If the school corporation in which the home or
- 13 facility is located is not the school corporation in which the student has
- 14 legal settlement, the school corporation in which the student has legal
- 15 settlement shall pay the transfer tuition of the student.
- 16 (b) A student who is placed in a state licensed private or public
- 17 health care or child care facility by a parent or guardian may attend
- 18 school in the school corporation in which the facility is located if:
- 19 (1) the placement is necessary for the student's physical or
- 20 emotional health and well-being and, if the placement is in a
- 21 health care facility, is recommended by a physician; and
- 22 (2) the placement is projected to be for no less than fourteen (14)
- 23 consecutive calendar days or an aggregate of twenty (20)
- 24 calendar days.
- 25 The school corporation in which the student has legal settlement shall

pay the transfer tuition of the student. The parent or guardian of the student shall notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of the placement. No later than thirty (30) days after this notice, the school corporation of legal settlement shall either pay the transfer tuition of the transferred student or appeal the payment by notice to the department of education. The acceptance or notice of appeal by the school corporation shall be given by certified mail to the parent or guardian of the student and any affected school corporation. In the case of a student who is not identified as disabled under IC 20-1-6, the Indiana state board of education shall make a determination on transfer tuition in accordance with the procedures set out in section 10 of this chapter. In the case of a student who has been identified as disabled under IC 20-1-6, the determination on transfer tuition shall be made in accordance with this subsection and the procedures adopted by the Indiana state board of education under IC 20-1-6-2.1(a)(5).

(c) A student who is placed in:

(1) an institution operated by the division of disability, aging, and rehabilitative services or the division of mental health and addiction; or

(2) an institution, a public or private facility, a home, a group home, or an alternative family setting by the division of disability, aging, and rehabilitative services or the division of mental health and addiction;

may attend school in the school corporation in which the institution is located. The state shall pay the transfer tuition of the student, unless another entity is required to pay the transfer tuition as a result of a placement described in subsection (a) or (b) or another state is obligated to pay the transfer tuition.

(d) A student:

(1) who is placed in a facility, a home, or an institution described in subsection (a), (b), or (c); and

(2) for whom there is no other entity or person required to pay transfer tuition;

may attend school in the school corporation in which the facility, home, or institution is located. The department shall conduct an investigation and determine whether any other entity or person is required to pay transfer tuition. If the department determines that

- 1 **no other entity or person is required to pay transfer tuition, the**
2 **state shall pay the transfer tuition for the student.**
 (Reference is to SB 261 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Education and Career Development.

GARTON Chairperson